

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT BRAGGS,

Plaintiff,

v.

MRS. KIMBERLY FLATT, et al.,

Defendants.

Civil Action No. 08-239 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 18, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 29], filed on August 3, 2009, recommended that the motion to dismiss or in the alternative for summary judgment filed by Defendants [Doc. No. 17] be granted. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of August, 2009;

IT IS HEREBY ORDERED that the motion to dismiss or in the alternative for summary judgment filed by Defendants [Doc. No. 17] is GRANTED.

The Report and Recommendation [Doc. No. 29] of Magistrate Judge Baxter, filed on August 3, 2009, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge